IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 3877 of 1997

Between:

Abdul Masjid S/o. Lal Mohammed
R/o.Narsapur(G) Dillawarpur Mandal
Adilabad District.

..... PETITIONER

AND

1 The Presiding Officer, Labour Court,
Godavarikhani, Karimnagar District

2 The Divisional Forest Officer (Logging DFO) Nirmal,
Adilabad Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent no.2 as illegal, arbitrary and void and against the principles of natural justice and set-aside the order passed by the R1 herein I.D.No.86 of 1992 Dt:10.7.1996 and the consequential oral order passed by the respondent no.2 removing the petitioner from service and consequently direct the respondent no.2 to take into service of the petitioner herein.

Counsel for the Petitioner: MR.Y.ASHOK RAJ

Counsel for the Respondents: GP FOR FORESTS

The Court made the following ORDER:

This writ petition is filed by the petitioner aggrieved by the Award of the Industrial Tribunal-cum-Labour Court, Godavarikhani, in I.D.No.86 of 1992 dated 10.07.1996.

The petitioner raised an industrial dispute before the Labour Court claiming that he worked as a Cleaner under the second respondent in the year 1978 on the Lorry No.API 2165, which was engaged by the second respondent. It is further stated that the said lorry met with an accident in January 1979, therefore, the second respondent removed his services without following the procedure contemplated under the provisions of the Industrial Disputes Act, 1947 (for short 'the Act'). Therefore, the petitioner raised an industrial dispute before the Labour Court.

Second respondent filed a counter-affidavit stating that the petitioner was engaged as a Cleaner on daily wage basis in respect of the Government vehicle and he worked for 12 days in October, 15 days in November, 19 days in December 1978. During 1979, he worked for 24 days in January. In all, he worked for 70 days. As, the vehicle met with an accident, the petitioner himself discontinued from the service. Therefore, there is no question of violation of any provisions of the Act.

The Labour Court, on considering the merits, gave a finding that there is no evidence showing that the petitioner had worked for 240 days in order to claim the benefits under Section 25-F of the Act. It is also stated that the petitioner approached the Labour Court after a period of 13 years. Therefore, even on that ground also the

claim is stale and cannot be entertained and accordingly on both the grounds the impugned award has been passed. Aggrieved by that the petitioner has come up with the present writ petition.

The learned counsel for the petitioner contended that the Tribunal was not justified in dismissing the I.D. without giving any relief to the petitioner-workman. It is further contended that the petitioner worked for more than 240 days, therefore, the Tribunal ought to have passed an award ordering reinstatement.

The said contention is opposed by the learned Government Pleader for Forests stating that there is no material on record showing that the petitioner-workman worked for 240 days in order to claim the benefits under the Act. Apart from that, the claim is also became stale as the workman approached the Tribunal after more than 13 years of the alleged removal. Therefore, even on that ground also the petitioner is not entitled to any relief.

Heard both sides and considered the material available on record.

Admittedly, the petitioner did not bring on record any material showing that he worked for 240 days continuously in order to get the benefits under the provisions of the Act. Apart from that, the petitioner approached the Labour Court after a lapse of more than 13 years of the alleged removal from the service. Even on that ground also the petitioner is not entitled to any relief.

Therefore, the writ petition is dismissed as devoid of merits. No costs.

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S.Ananda Reddy, J

Date:16.09.2004

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To

1 The Presiding Officer, Labour Court,
Godavarikhani, Karimnagar District

2 The Divisional Forest Officer (Logging DFO) Nirmal,
Adilabad Dist.

3 Two CCs to G.P. for Forest, High Court of A.P. Buildings,

Hyderabad(OUT)

4 Two CD Copies